IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 33437 of 2004(E)

OS.81/2003 of MUNSIFF COURT, KOTTARAKKARA

PETITIONER:

C.VIJAYAMOHANAN NAIR, S/O.CHELLAPPAN PILLAI, VEESUPALATHUNDIL VEEDU, PADINJATTINKARA MURI,KOTTARAKKARA VILLAGE, KOTTARAKKARA TALUK.

BY ADV. SRI.K.K.JOHN

RESPONDENTS:

1. N.REGHUNATHANNAIR, S/O.NEELAKANDAN NAIR, THAZHATHUKULAKKADA MURI, KULAKKADA VILLAGE, KOTTARAKKARA TALUK.

2. RADHAKRISHNAN NAIR, MANGALATHU VEEDU, KANIYAMKONAM, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE, KOTTARAKKARA TALUK.

3. ANANDAVALLY AMMA, D/O,.KUNJUKUTTY AMMA, CHENCHERIL VEEDU, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

4. VIJAYAN, S/O.BHASAKARAN, LEKSHMI NIVAS, KOTTATHARA PADINJARE MURI, PUTHOOR VILLAGE, KOTTARAKKARA TALUK.

5. MADHAVIKUTTY AMMA, D/O.ESWARI AMMA, RAJA BHAVANAM, KOCHAZHIKATHU VEEDU, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

6. SUDHAMANI, D/O.RADHAMONY AMMA, LEKSHMI NEAR GANAPATHY TEMPLE, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

7. LEKSHMI, D/O.SUDHAMANY, LEKSHMI, NEAR GANAPATHY TEMPLE, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

8. SREEKALA, D/O.BHAVANI AMMA, KARAKALA NILAYAM, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

9. P.N.GOPALAKRISHNA PILLAI, PALAZHI,
PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE.

10. SREELEKHA, D/O.OMANA AMMA,
SARASWATHY VILASOM, KOTTAPPURAM,
KIZHAKKEKKARA MURI, KOTTARAKKARA VILLAGE.

11. NIRMALA DEVI, W/O.P.N.GOPALAKRISHNA
PILLAI,
PALAZHI, PADINJATTINKARA MURI, KOTTARAKKARA TALUK.

12. VARADARAJAN, GOPALA SADANAM,
PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE,
KOTTARAKKARA TALUK.

13. P.SARASAMMA, KADIYATTU PUTHEN VEEDU,
KIZHAKKEKKARA MURI, KOTTARAKKARA VILLAGE.

BY ADV. SRI.B.MOHANLAL
SRI.B.S.SWATHY KUMAR
SRI.K.G.RENGANATH
SRI.M.V.THAMBAN
SRI.K.V.ANIL KUMAR
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF RODER DTD.16.2.2004 IN I.A.NO. 420/2003 IN O.S.81/2003 OF MUNSIFF'S COURT, KOTTARAKKARA.
EXT.P2	TRUE COPY OF JUDGMENT DTD.21.7.2004 IN FAO 35/2004 OF SUBORDINATE COURT, KOTTARAKKARA.

TRUE COPY

P.A.TO JUDGE

css/

PIUS C. KURIAKOSE, J.

W.P.(C) No. 33437 OF 2004

Dated this the 19th day of June, 2007

JUDGMENT

The writ petition is remaining defective on the reason that the 4th respondent has not been served. But I am of the view that there is no conflict of interests between the 4th respondent and other respondents who have entered appearance. Under this circumstances service of notice to 4th respondent is dispensed with.

2. Heard both sides. Ext.P1 of the learned Munsiff and Ext.P2 judgment of the learned District Judge passing and confirming the order of injunction is under challenge. Having guaged Exts.P1 & P2 by the parameters applicable to the exercise of jurisdiction under Article 227, I am unable to say that Exts.P1 and P2 are vitiated to such an extent as to warrant correction. After all, the findings and observations in Exts.P1 and P2 have to be treated as provisional.

Sri.B. Mohanlal, counsel for the respondent submits that he has been informed that the suit was special listed for trial. Under these circumstances, I dispose of the Writ Petition directing the trial court to expedite the trial of the suits and dispose of the suits at the earliest. It is needless to mention that the learned Munsiff will not be influenced by

the observations and findings in Exts.P1 and P2 and will decide the suits on the basis of the evidence which comes on record at trial.

PIUS C. KURIAKOSE, JUDGE

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